

JAN 05 2010

IN THE UNITED STATES DISTRICT COURT JOHN F. CORCORAN, CLERK
FOR THE WESTERN DISTRICT OF VIRGINIA BY: *J. C. Turk*
ROANOKE DIVISION DEPUTY CLERK

UNITED STATES OF AMERICA

Case No. 7:99-cr-00032-1

v.

2255 DISMISSAL ORDER

CALVIN BERNARD GREEN,
Petitioner.

By: Hon. James C. Turk
Senior United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

that petitioner's construed motion (docket #96) to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, is **DISMISSED without prejudice** as successive, and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the United States.

ENTER: This 5th day of January, 2010.

James C. Turk

Senior United States District Judge